HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 568 of 2005

Radhey Shayam Mehndiratta
S/o Shri Laxman Dass Mehndiratta
R/o Katra Bakhtawar Singh
Near Bal Vidya Vihar School
Amroha, P.S. Amroha
District J.P. Nagar, U.P. .....Applicant

Versus

1. State of Uttaranchal
2. Special Judicial Magistrate, Rishikesh
   District Dehradun
3. Smt. Shweta Mehndiratta
   W/o Gagan Mehndiratta
   Presently R/o 76 Adarsh Nagar
   Railway Road Rishikesh
   District Dehradun ..... Respondents

Hon'ble J. C. S. Rawat, J.

Heard Sri Shobhit Saharia learned counsel for the applicants and Sri Arvind Vashist learned counsel for the respondent no.3.

This is a petition under section 482 Cr.P.C. with the prayer to quash the proceedings of criminal case No.12/2005 under section 406 IPC pending before the Special Judicial Magistrate, Rishikesh, District Dehradun.

It has been alleged in the petition that the marriage was solemnized between the respondent No.3-Smt. Shweta Mehndiratta and the son of the applicant i.e. Gagan Mehndiratta. After some time of the marriage, certain disputes arose between the parties.

During the course of hearing, the parties have amicably settled the dispute. To this effect, an application bearing No. 633/2006 has been filed by the applicant alongwith the affidavit of Gagan Mehndiratta(husband). Another application has also been filed alongwith the affidavit of Smt. Sweta Mehndiratta(wife). Both the parties have stated in their

respective affidavits that they have amicably settled their disputes and entered into a compromise. The parties have filed the compromise petition before the court below and the court below has disposed of the petition in terms of the compromise. No disputes at present persist between them and other family members.

Considering that the parties have entered into an amicable settlement and no useful purpose will be served to prolong the pendency of the above mentioned case. It has been held by the Hon'ble Supreme Court in **B. S. Joshi and Ors. Vs. State of Haryana and Anr. JT 2003(3) SC 277:-**

> *"12. The special features in such matrimonial matters are evidence. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.*
>
> *13. The observations made by this Court, through in a slightly different context, in **G.V. Rao Vs. L.H.V. Prasad and others 2000(3)SCC p/693** are very apt for determining the approach required to be kept in view in matrimonial dispute by the Courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly extent which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counseled and brought about re-approchment are rendered helpless on their being arrayed as accused in the criminal case.*

There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different Courts."

6. Considering the above facts and the principles laid down by the Apex Court, the proceedings in criminal case no.12/2005 are hereby quashed. The petition is allowed accordingly.

(J. C. S. Rawat, J.)

Dated 21.04.2006

LSR